

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Safety and Enforcement Division
Rail Transit Safety Section

San Francisco, California
Date: October 2, 2014
Resolution ST-163

DRAFT RESOLUTION**RESOLUTION ADOPTING A TRANSIT SYSTEM CITATION PROGRAM FOR ENFORCING COMPLIANCE WITH GENERAL ORDERS AND OTHER REQUIREMENTS INCLUDING PROCEDURES FOR APPEAL OF CITATIONS ISSUED TO RAIL TRANSIT AGENCIES OPERATING PUBLIC TRANSIT RAIL FIXED GUIDEWAY SYSTEMS.****SUMMARY**

This resolution approves a citation program under the administration of the Director of the Safety and Enforcement Division (SED) for enforcing compliance with certain General Orders and other requirements for public transit guideway system carriers (hereinafter "rail fixed guideway system") operating in California. Specifically, the citation program will aid in ensuring compliance with the requirements for walkways, clearances, roadway worker protections and certain rail fixed guideway system operating rules. Staff is delegated authority to draft and issue citations for specific violations and levy penalties in specified amounts as set forth in Appendix A.

Delegation of authority to SED will allow prompt action by Staff to protect the public and rail fixed guideway system employees and fulfill the objectives of the Commission's rail fixed guideway system safety responsibilities. Authority for this resolution is derived from provisions of: the California Constitution; California statutes and court decisions; federal law; and prior Commission decisions and orders. Nothing in this resolution diminishes, alters, or reduces the Commission's existing authority to promote and enforce public safety requirements.

This citation program is designed to more efficiently utilize limited resources and improve overall rail fixed guideway system safety in California. The Commission's rail fixed guideway system inspectors must carefully allocate their time inspecting the seven existing rail fixed guideway systems and those systems' extensions.

Currently Staff uses on-site visits to identify noncompliances, safety concerns, and reported unsafe conditions. Following those visits, Staff notifies the rail fixed guideway system of the need for corrective action. Generally, the Staff inspector and rail fixed guideway system agree to a timeframe for remediation informally. However, it has been Staff's experience that the rail fixed guideway system sometimes fails to meet its commitments. Consequently, CPUC inspection Staff must make repeated site visits, or contact with the rail fixed guideway system

carrier, in an effort to achieve compliance, or, in the alternative, consider recommending a formal investigation (Order Instituting Investigation) to the Commission. This places a further strain on Staff's limited resources. The adoption of the citation process will allow Staff to document persistent conditions that fail to comply with applicable rules, orders, and regulations, and will provide a more certain timeframe for remediation.

The Director or Deputy Director will issue citations only after a notice of defect or violation has been given to the rail fixed guideway system by the CPUC inspection Staff, the Rail Transit Agency ("RTA") (operating a rail fixed guideway system) has had an opportunity to correct the defect or violation, and the rail fixed guideway system has failed to correct the defect or violation in a timely manner. Citations will also be considered for repeat violations that were previously corrected, but which have reoccurred.

BACKGROUND

California law, including Public Utilities Code § 7, allows the Commission to delegate certain of its powers to Commission Staff.¹ The Commission may delegate to its Staff the performance of certain functions, including investigation of facts preliminary to agency action, and the assessment of specific penalties for certain types of violations.² Over the last several years the Commission has developed and enhanced its citation programs in numerous areas, including household good movers, charter party carriers, passenger stage corporations, railroads, maintenance and operation of power plants, slamming by telecommunications providers, and compliance with resource adequacy requirements for electric power.

A citation program administered by Staff for specified violations of the Commission's General Orders and other requirements that apply to rail fixed guideway system carriers will allow prompt action by Staff to protect rail fixed guideway system employees and the public, minimize enforcement costs, and fulfill the objectives of the Commission's rail fixed guideway system safety program. This citation program is consistent with other approved citation programs and will expedite rail fixed guideway system compliance with General Orders (G.O.s) 26-D, 33-B, 72-B, 75-D, 95, 118-A, 127, 128, 143-B, 164-D, 172, and 175.

The types of violations that Staff may enforce by citation and the citation procedures themselves are similar to those approved in G.O. 167 for the citation programs administered by Staff for the operation and maintenance standards for electric generation facilities³ and for railroad safety under Resolution ROSB-002. The amounts of the proposed penalties also are similar to those approved in G.O. 167.

COMPLIANCE WITH GENERAL ORDERS:

¹ See D.06-01-047, mimeo at pp. 9-12, which modifies and denies rehearing of D.04-05-017 and D.04-05-018, and thereby upholds the Commission's delegation of authority to Staff under the G.O. 167 citation program, among other things.

² *Ibid.*

³ See also Resolution ALJ-187, Sept. 22, 2005, and Resolution UEB-001, Aug. 24, 2006.

G.O. 26-D establishes minimum clearances between rail tracks, parallel tracks, side clearances on rail fixed guideway system tracks, overhead clearances on rail fixed guideway system tracks, and clearances for obstructions, motor vehicles, and warning devices next to tracks, including rail fixed guideway system tracks, at highway-rail crossings.

G.O. 33-B establishes requirements for the approval, construction and operation of rail fixed guideway systems' interlocking plants.

G.O. 72-B provides uniform standards for grade crossing construction and maintenance.

G.O. 75-D establishes standards for warning devices for railroad and rail fixed guideway system at-grade highway-rail crossings.

G.O. 95 provides standards for the construction of rail fixed guideway systems' electric feeder conductors, span wires, electric poles and towers, etc., communication lines, vertical clearances for wires, and signal systems.

G.O. 118-A provides standards for the construction, reconstruction, and maintenance of walkways adjacent to rail fixed guideway system tracks to provide a safe area for train crews to work. G.O. 118 also requires those walkways to be kept reasonably free of vegetation.

G.O. 127 establishes regulations for the construction, reconstruction, maintenance and operation of automatic train control systems employed by rail fixed guideway systems.

G.O. 128 provides additional rules for the construction of rail fixed guideway systems' underground electric supply and communication systems.

G.O. 143-B establishes safety regulations governing the design, construction, operation, and maintenance of rail fixed guideway systems.

G.O. 164-D provides for additional rules for the safety oversight of rail fixed guideway systems as required under Title 49 of the Code of Federal Regulations, Part 659.

G.O. 172 establishes rules and regulations governing the use of personal electronic devices by employees of Rail Transit Agencies and Rail Fixed Guideway Systems.

G.O. 175 establishes rules and regulations governing roadway worker protections.

COMPLIANCE WITH THE PUBLIC UTILITIES ("PUB. UTIL.") CODE:

PUB. UTIL CODE § 309.7 makes SED Staff "responsible for consumer protection and safety shall be responsible for inspection, surveillance, and investigation of the rights-of-way, facilities, equipment, and operations of railroads and public mass transit guideways, and for enforcing state and federal laws, regulations, orders, and directives relating to transportation of persons or commodities, or both, of any nature or description by rail...[and] enforce safety laws, rules,

regulations, and orders, and to collect fines and penalties resulting from the violation of any safety rule or regulation.”

PUB. UTIL CODE § 315 requires the Commission to investigate the cause of all accidents occurring within this State upon the property of any public utility or directly or indirectly arising from or connected with its maintenance or operation, resulting in loss of life or injury to person or property and requiring, in the judgment of the commission, investigation by it, and may make such order or recommendation with respect thereto as in its judgment seems just and reasonable. Under Pub. Util. Code § 216 (a) every “common carrier” such as an RTA is a “public utility.”

PUB. UTIL CODE § 451 requires that every public utility...furnish and maintain such adequate [and] efficient...instrumentalities, equipment, and facilities...as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public.

PUB. UTIL CODE § 771 requires that commission staff “may enter upon any premises occupied by any public utility, for the purpose of making the examinations and tests and exercising any of the other powers provided for in this part, and may set up and use on such premises any apparatus and appliances necessary therefor. The agents and employees of the public utility may be present at the making of such examinations and tests.”

PUB. UTIL CODE § 2107 provides that “[a]ny public utility that violates or fails to comply with any provision of the Constitution of this state or of this part, or that fails or neglects to comply with any part or provision of any order, decision, decree, rule, direction, demand, or requirement of the commission, in a case in which a penalty has not otherwise been provided, is subject to a penalty of not less than five hundred dollars (\$500), nor more than fifty thousand dollars (\$50,000) for each offense.” Any citation for a violation of Section 2107 requires a hearing at the Commission before the fine can be imposed against an RTA.

PUB. UTIL CODE § 29047 requires that the San Francisco Bay Area Transit District comply with the Commission’s “regulations relating to safety appliances and procedures, and the commission shall inspect all work done pursuant to this part and may make such further additions or changes necessary for the purpose of safety to employees and the general public.” “The [C]ommission shall enforce the provisions of this section.”

PUB. UTIL CODE § 30646 requires that the Southern California Rapid Transit District comply with the Commission’s “regulations of the Public Utilities Commission relating to safety appliances and procedures, and the commission shall inspect all work done pursuant to this part and may make such further additions or changes necessary for the purpose of safety to employees and the general public. The district shall be subject to the jurisdiction of the Public Utilities Commission with respect to safety rules and other regulations governing the operation of street railways.” “The commission shall enforce the provisions of this section.”

PUB. UTIL CODE § 100168 requires that the Santa Clara Valley Transportation Authority comply with the Commission’s “regulations...relating to safety appliances and procedures, and the commission shall inspect all work done pursuant to this part and may make such further

additions or changes necessary for the purpose of safety to employees and the general public. The commission shall enforce the provisions of this section.”

COMPLIANCE WITH FEDERAL REGULATIONS:

The Federal Transit Administration’s (“FTA’s”) safety “requirements represent a minimum standard that must be addressed by each rail transit agency and enforced by the state oversight agency.” (70 Fed. Reg. 22562, April 29, 2005.) The Commission has been designated by the Governor of California as the state oversight agency for rail fixed guideway systems in the state.

The state oversight agency is responsible for establishing standards for rail safety and security practices and procedures to be used by rail transit agencies within its purview. In addition, the state oversight agency must oversee the execution of these practices and procedures, to ensure compliance with the provisions of this part.

(49 C.F.R. Part 659.13.)

In enforcing compliance with rail fixed guideway system safety requirements, or in response to any reported violation, the Commission may initiate any authorized formal proceeding or pursue any other remedy authorized by the California Constitution, the Public Utilities Code, other state or federal statutes, court decisions or decrees, or otherwise by law or in equity. Finally, the Commission’s enforcement of this resolution by citation process does not bar or affect the remedies otherwise available to other persons or government agencies.

CITATION PROGRAM

The citation program authorizes the Director or Deputy Director of SED to issue citations to rail fixed guideway system carriers for a violation of specified Public Utilities Code sections and Commission General Orders. A fixed guideway system that has been issued such a citation may accept the fine imposed or contest it through a process of appeal. The Commission adopts the following procedures to govern the issuance and appeal of these citations.

1. *Citation: Contents.* The citation served upon the respondent by the investigator shall include:
 - (a) A specification of each alleged violation as listed in Appendix A;
 - (b) A statement of the facts upon which each alleged violation is based;
 - (c) A statement that the respondent may either pay the amount of the fine set forth in the citation or appeal the citation, as set forth herein, and that the respondent will forfeit the right to appeal the citation by failing to do either of these things within the allowable period;
 - (d) An explanation of how to file an appeal, including an explanation of the respondent’s right to have a hearing, to have a representative at the hearing, to request a transcript, and to request an interpreter; and

- (e) A form of Notice of Appeal.
2. *Citations issued before January 1, 2015: Response.* The respondent, within 30 days after the date of service of the citation, shall either remit payment of the full amount of the fine to SED, agree with SED on conditions for payment, or serve a Notice of Appeal upon SED. Upon request made to SED before the expiration of this deadline, the time to pay the fine or serve a Notice of Appeal may be extended by SED for an additional period not to exceed 30 days. SED may, in its discretion, grant one additional extension at the request of the respondent so that the total extension period may not exceed 60 days. SED, the Administrative Law Judge (“ALJ”), or the Commission may extend the time for appeal upon a showing of good cause. the Administrative Law Judge (“ALJ”), or the Commission may extend the time for appeal upon a showing of good cause.
 3. *Citations issued after January 1, 2015: Response.* The respondent, within 30 days after the date of service of the citation, shall either remit payment of the full amount of the fine to SED, agree with SED on conditions for payment, or file a Notice of Appeal with the Commission’s Docket Office and serve the Notice of Appeal upon SED. The Administrative Law Judge (“ALJ”), or the Commission may extend the time for appeal upon a showing of good cause upon the filing of a separate written motion to the assigned ALJ at the same time as the notice of appeal with a proof of service for both.
 4. *Citation: Payment of fine; default.* If the respondent pays the full amount of the fine within the time allowed hereunder, the citation shall become final. If the respondent, within 30 days after the date of service of the citation, fails to pay the full amount of the fine or to serve a Notice of Appeal on SED (on or before December 31, 2014) or to file a Notice of Appeal with the Docket Office (on or after January 1, 2015), or if the respondent, having entered into an agreement with SED, fails to comply with any provision of that agreement, the respondent shall be in default, and the citation shall become final. In this event, the respondent shall have forfeited its right to appeal the citation. If the respondent fails to pay the full amount of the fine within 30 days after the date of service of the citation, SED may take all necessary action provided by law to recover any unpaid fine and ensure compliance with applicable statutes and Commission orders.
 5. *Citation: Appeals submitted before January 1, 2015, shall be served on SED.*
 - (a) The Chief Administrative Law Judge shall designate an ALJ to hear appeals of citations. Citation appeals will not be docketed as formal Commission proceedings.
 - (b) Appeals of citations shall be heard in the Commission’s San Francisco courtrooms on regularly scheduled days. Appeals shall be calendared accordingly, except that a particular matter may be re-calendared at the direction of the designated ALJ.
 - (c) The appeal shall be brought by serving a Notice of Appeal upon SED, and the respondent shall indicate the grounds for the appeal in the notice. SED shall

promptly advise the Chief Administrative Law Judge upon receipt of a timely Notice of Appeal.

- (d) Upon advice from SED that a citation has been appealed, the Chief Administrative Law Judge shall promptly forward the matter to the designated ALJ, who shall set the matter for hearing on the first Citation Calendar not less than 10 days after advice of the appeal is received from SED. The ALJ may, for good cause shown or upon agreement of the parties, grant a reasonable continuance of the hearing.
 - (e) The respondent may order a transcript of the hearing, and shall pay the cost of the transcript in accordance with the Commission's usual procedures.
 - (f) The respondent may be represented at the hearing by an attorney or other representative, but such representation shall be at the respondent's sole expense.
 - (g) At the hearing, SED shall bear the burden of proof in establishing a violation. SED shall also bear the burden of producing evidence and, therefore, shall open and close. The ALJ may, in his or her discretion, alter the order of presentation. Formal rules of evidence do not apply, and all relevant and reliable evidence may be received in the discretion of the ALJ.
 - (h) Ordinarily, the appeal shall be submitted at the close of the hearing. In the discretion of the ALJ upon a showing of good cause, the record may be kept open for a reasonable period to permit a party to submit additional evidence or argument.
 - (i) The ALJ shall issue a proposed resolution resolving the appeal not later than 60 days after the appeal is submitted, and the proposed resolution shall be placed on the first available agenda, consistent with the Commission's applicable rules.
 - (j) From the date that SED receives a Notice of Appeal to and including the date when the final order is issued, neither the respondent nor the investigator, or agent or other person on behalf of the respondent or investigator, may communicate regarding the appeal, orally or in writing, with a Commissioner, Commissioner's advisor, or ALJ, except as expressly permitted under these procedures. Inquiries strictly limited to procedural matters are permitted.
6. *Citation: Appeals submitted after January 1, 2015, shall be filed with the Docket Office.*
- (a) An appeal must be filed with the Commission's Docket Office pursuant to Resolution ALJ-299, and must state the date of the citation appealed from.
 - (b) The Chief Administrative Law Judge shall designate an ALJ to hear appeals of citations. Citation appeals will not be docketed as formal Commission proceedings.
 - (c) Appeals of citations shall be heard in the Commission's San Francisco or Los Angeles courtrooms on regularly scheduled days. Appeals shall

be calendared accordingly, except that a particular matter may be re-calendared at the direction of the designated ALJ.

- (d) The appeal shall be brought by serving a Notice of Appeal upon SED, and the respondent shall indicate the grounds for the appeal in the notice.
- (e) SED shall promptly advise the Chief Administrative Law Judge upon receipt of a timely Notice of Appeal not later than five business days after the notice of appeal is filed and submit a compliance filing which includes: (1) a complete copy of the citation which is appealed, (2) a proof of service on the appellant and Chief Administrative Law Judge.
- (f) Upon advice from SED that a citation has been appealed, the Chief Administrative Law Judge shall promptly forward the matter to the designated ALJ, who shall set the matter for hearing on the first Citation Calendar not less than 10 days after advice of the appeal is received from SED. The ALJ may, for good cause shown or upon agreement of the parties, grant a reasonable continuance of the hearing.
- (g) The respondent may order a transcript of the hearing, and shall pay the cost of the transcript in accordance with the Commission's usual procedures.
- (h) The respondent may be represented at the hearing by an attorney or other representative, but such representation shall be at the respondent's sole expense.
- (i) At the hearing, SED shall bear the burden of proof in establishing a violation. SED shall also bear the burden of producing evidence and, therefore, shall open and close. The ALJ may, in his or her discretion, alter the order of presentation. Formal rules of evidence do not apply, and all relevant and reliable evidence may be received in the discretion of the ALJ.
- (j) Ordinarily, the appeal shall be submitted at the close of the hearing. In the discretion of the ALJ upon a showing of good cause, the record may be kept open for a reasonable period to permit a party to submit additional evidence or argument.
- (k) The ALJ shall issue a proposed resolution resolving the appeal not later than 60 days after the appeal is submitted, and the proposed resolution shall be placed on the first available agenda, consistent with the Commission's applicable rules.
- (l) From the date that SED receives a Notice of Appeal to and including the date when the final order is issued, neither the respondent nor the investigator, or agent or other person on behalf of the respondent or investigator, may communicate regarding the appeal, orally or in writing, with a Commissioner, Commissioner's advisor, or ALJ, except that inquiries strictly limited to procedural matters are permitted.

- (m) Citation resolutions are subject to rehearing pursuant to Pub. Util. Code § 1731 and to judicial review pursuant to Pub. Util. Code § 1756.

COMMENTS ON DRAFT RESOLUTION:

The Draft Resolution of the Commission Safety and Enforcement Division in this matter was mailed to the parties in interest on May 9, 2014, in accordance with Cal. Pub. Util. Code § 311(g). Comments were filed on June 2, 2014, Reply comments were filed on June 9, 2014.

Since comments were received, SED held a meeting with the California Rail Transit Agencies (“RTAs”) on July 16, 2014, and discussed the substance of the Resolution’s provisions. Staff agreed with the RTAs to:

- (a) Meet with the RTAs to discuss the status of potential violation findings by the end of August, 2014;
- (b) Hold regular meetings to ensure compliance issues are explained and communicated to the RTAs;
- (c) Staff will prepare guidelines for the implementation of citations to be added to RTSB’s Standard Procedures Manual and an effort will be made to place them on the Commission’s website;
- (d) Prior to the issuance of a citation RTSB staff will verify that the violation continues to exist;
- (e) RTSB would consider removing Pub. Util. Code § 99152 from Appendix A to the Resolution and staff has removed that code section from Appendix A;
- (f) Staff will consider procedures for addressing violations that are the result of noncompliance by third-parties with the legal obligation to correct defects, e.g., proper pavement markers on streets maintained by local governmental agencies;
- (g) Staff will provide monthly status updates on each RTA’s Corrective Action Plan;
- (h) Staff will develop a “Compliance Manual” providing its interpretation of a regulation’s application to specific RTAs.

With respect to the comments submitted by the Union Pacific Railroad, SED has no intention at this time of modifying Res. ROSB-002 to conform to Res. ALJ-299. The Commission’s safety jurisdiction over railroads is significantly different from that of transit systems. It is limited by federal preemption under 49 U.S.C. § 20106 to safety regulation that predates the Federal Railroad Safety Act of 1970 and which does not conflict with federal regulations, to local safety hazard sites, and to the Commission’s responsibilities under the State Participation Plan with the Federal Railroad Administration under 49. U.S.C. § 212 et seq.

ORDER

IT IS ORDERED THAT the following procedures shall govern appeals of citations for violations of statutes or Commission orders relating to rail fixed guideway carriers (RTAs):

1. The citation program described above and in the Specified Violations and Scheduled Penalties, Appendix A, are hereby adopted.
2. The RTAs shall identify a company-specific senior management personnel contact so that particularly complex or long-running violations can receive prompt action from a senior-level rail fixed guideway (RTA) official.
3. Authority is delegated to the Director and Deputy Director of the Consumer Protection and Safety Division to issue citations and levy Scheduled Penalties for the Specified Violations set forth in Appendix A to enforce compliance by rail fixed guideway (RTA) carriers with safety requirements.
4. In enforcing compliance with rail fixed guideway (RTA) safety requirements or in response to any Specified Violation, the Commission may initiate any formal proceeding authorized by the California Constitution, the Public Utilities Code, other state and federal statutes, court decisions or decrees, the Commission's Rules of Practice and Procedure, or prior Commission orders, decisions, rules, directions, demands or requirements, and pursue any other remedy authorized by the California Constitution, the Public Utilities Code, RESOLUTION ST-163 of June 12, 2014, other state or federal statutes, court decisions or decrees, or otherwise by law or in equity. The citation program adopted herein is an additional enforcement mechanism that may be used in addition to, or in lieu of, a formal proceeding.
5. Nothing in this resolution bars or affects the rights or remedies otherwise available to other persons or government agencies.
6. This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted at a conference of the Public Utilities Commission of the State of California held on October 2, 2014, the following Commissioners voting favorably thereon:

PAUL CLANON
Executive Director

APPENDIX A
SPECIFIED VIOLATIONS AND SCHEDULED PENALTIES

Specified Violation	Scheduled Penalty
Failure to comply with G.O. 26-D. Regulations governing clearances with reference to side and overhead structures, parallel tracks, crossings of public roads, highways and streets.	\$2,000 per incident.
Failure to comply with G.O. 33-B. Requirements for the approval, construction and operation of rail fixed guideway systems' interlocking plants.	\$4,000 per incident.
Failure to comply with G.O. 72-B. Uniform standards for grade crossing construction and maintenance.	\$4,000 per incident.
Failure to comply with G.O. 75-D. Standards for warning devices for railroad and rail fixed guideway system at-grade highway-rail crossings.	\$4,000 per incident.
Failure to comply with G.O. 95. Standards for the construction of rail fixed guideway systems' electric feeder conductors, span wires, electric poles and towers, etc., communication lines, vertical clearances for wires, and signal systems.	\$5,000 per incident.
Failure to comply with G.O. 118 (except as to vegetation control requirements) - Walkways shall provide a reasonable regular surface with gradual slope not to exceed approximately one inch to eight inches (1/8 or 12.5%).	\$3,000 per incident.
Failure to comply with G.O. 127. Regulations for the construction, reconstruction, maintenance and operation of automatic train control systems employed by rail fixed guideway systems.	\$7,500 per incident.

Failure to comply with G.O. 128. Rules for the construction of rail fixed guideway systems' underground electric supply and communication systems.	\$5,000 per incident.
Failure to comply with G.O. 143-B. Regulations governing the design, construction, operation, and maintenance of rail fixed guideway systems.	\$5,000 per incident plus \$250/day.
Failure to comply with G.O. 164-D. Rules for the safety oversight of rail fixed guideway systems as required under Title 49 of the Code of Federal Regulations, Part 659.	\$5,000 per incident plus \$250/day.
Failure to comply with G.O. 172. Rules and regulations governing the use of personal electronic devices by employees of Rail Transit Agencies and Rail Fixed Guideway Systems.	\$7,500 per incident.
Failure to comply with G.O. 175. Rules and regulations for roadway worker protections on California Rail Transit Agencies.	\$5,000 per incident plus \$250/day.
Failure to comply with Public Utilities Code § 309.7. Interference with or obstruction of a Safety and Enforcement Division ("SED") investigation of the rights-of-way, facilities, equipment, and operations of Rail Transit Agencies and/or interference with or obstruction of SED's enforcement of state and federal laws, regulations, orders, and directives concerning RTAs.	\$10,000 per incident plus \$250/day.
Failure to comply with Public Utilities Code § 315. Interference with or obstruction of a SED accident investigation occurring on the property of an RTA or directly or indirectly arising from or connected with its main-tenance or operation, resulting in loss of life or injury to person or property and requiring, in the judgment of the	\$10,000 per incident plus \$250/day.

Commission, and/or the failure of an RTA to comply with a Commission order or recommendations with respect thereto.	
Failure to comply with Public Utilities Code § 451. Every Rail Transit Agency shall furnish and maintain such adequate and efficient instrumentalities, equipment, and facilities, as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public.	<u>\$5,000 per incident.</u>
Failure to comply with Public Utilities Code § 771. The commissioners and their officers and employees may enter upon any premises occupied by any public utility, for the purpose of making the examinations and tests and exercising any of the other powers provided for in this part, and may set up and use on such premises any apparatus and appliances necessary therefor. The agents and employees of the public utility may be present at the making of such examinations and tests.	<u>\$10,000 per incident plus \$250/day.</u>
Failure to comply with Public Utilities Code § 2107. Any public utility that violates or fails to comply with... this part, or that fails or neglects to comply with any part or provision of any order, decision, decree, rule, direction, demand, or requirement of the commission, in a case in which a penalty has not otherwise been provided, is subject to a penalty of not less than five hundred dollars (\$500), nor more than fifty thousand dollars (\$50,000) for each offense.	<u>\$500 to \$50,000 per day following a hearing at the Commission</u>
Failure to comply with Public Utilities Code § 29047 relating to a failure by the San Francisco Bay Area Rapid Transit District to comply with the Commission's rules and regulations regarding safety appliances and procedures, inspections, and all work done pursuant to this statute, including such further additions or changes necessary for the safety of employees and the general public.	\$7,500 per incident plus \$250/day.

Failure to comply with Public Utilities Code § 30646 relating to a failure by the Southern California Transit District (i.e., the Los Angeles Metropolitan Transportation Authority) to comply with the Commission's rules and regulations regarding safety appliances and procedures, inspections, and all work done pursuant to this statute, including such further additions or changes necessary for the safety of employees and the general public.	\$7,500 per incident plus \$250/day.
Failure to comply with Public Utilities Code § 100168 relating to a failure by Santa Clara County Transit District (i.e., Santa Clara Valley Transportation Authority) to comply with the Commission's rules and regulations regarding safety appliances and procedures, inspections, and all work done pursuant to this statute, including such further additions or changes necessary for the safety of employees and the general public.	\$7,500 per incident plus \$250/day.
Failure to comply with 49 C.F.R. § 659 et seq.	<u>\$5,000 per incident.</u>

(END OF APPENDIX A)

Service List**Angels Flight Railway Company**

c/o Mr. JOHN H. WELBORNE

Post Office Box 712345

Los Angeles, CA 90071

David Delemos

Sacramento County Department of Airports (SCDOA),

6900 Airport Blvd.,

Sacramento, CA 95837

Los Angeles County Metropolitan Transportation Authority

Vijay Khawani

Executive Officer Corporate Safety

One Gateway Plaza

Los Angeles, CA 90012-2932

Caruso Affiliated (Los Angeles Farmer's Market Trolley)

Peter Hayden, Vice President Engineering

101 The Grove Drive

Los Angeles, CA 90036

Sacramento Regional Transit District

Mark Lonergan, COO

P.O. Box 2110

Sacramento, CA 95812-2110

San Diego Trolley Inc.

Wayne Terry, Chief Operating Officer

1255 Imperial Avenue Suite 900

San Diego, CA 92101

San Francisco Airport's AirTrain

John L. Martin, Director

San Francisco International Airport

PO Box 8097

San Francisco, CA 94128-8097

San Francisco Bay Area Rapid Transit District

Ms. Grace Crunican, General Manager

300 Lakeside Drive, 23rd Floor

P.O. Box 12688

Oakland CA 94604-2688

San Francisco Municipal Transportation Authority

Edward D. Reiskin, Director of Transportation
San Francisco Municipal Railway
One South Van Ness Avenue, Seventh Floor
San Francisco, CA 94103

Santa Clara Valley Transportation Authority District

Ms. Nuria I. Fernandez, General Manager
3331 North First Street
San Jose, CA 95134

North County Transit District

Matthew Tucker, Executive Director
810 Mission Avenue
Oceanside, CA 92054

Port of Los Angeles Waterfront Red Car Line

Kurt Arend, Asst. Chief Harbor Engineer
425 S. Palos Verdes Street
San Pedro, CA 90731

United Transportation Union

James P. Jones, State Legislative Director
1005 12th Street, STE 4
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